

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CIVIL ACTION NO.: 5:22-cv-00068-BO

YOLANDA IRVING, individually and as the)
natural parent and guardian of J. I., JUWAN)
HARRINGTON, CYDNEEA HARRINGTON,)
KENYA WALTON, individually and as the)
natural parent and guardian of R.W., ZIYEL)
WHITLEY, DYAMOND WHITLEY,)
KAMISHA WHITLEY, NANETTA GRANT as)
the natural parent and guardian of Z. G., and)
EMANCIPATE NC., INC.)

Plaintiffs,)

vs.)

THE CITY OF RALEIGH, Officer OMAR I.)
ABDULLAH, Sergeant WILLIAM ROLFE,)
Officer RISHAR PIERRE MONROE, Officer)
JULIEN DAVID RATTELADE, and Officer)
MEGHAN CAROLINE GAY, Officer DAVID)
MEAD, Officer JESUS ORTIZ, Officer KYLE)
PERRIN, Officer MICHAEL MOLLERE,)
Officer, KYLE THOMPSON, Officer)
VINCENT DEBONIS, Officer DANIEL)
TWIDDY, Officer THOMAS WEBB, Officer)
DAVID MCDONALD, Officer DAVID)
GARNER, Chief of Police ESTELLA)
PATTERSON and City Manager MARCHELL)
ADAMS-DAVID, in their official capacities.)

Defendants.)

**DEFENDANT GAY, MONROE AND
RATTELADE'S AMENDED MOTION
FOR SUMMARY JUDGMENT**

Defendants Meghan Gay, Rishar Monroe, and Julien Rattelade (collectively, "Vice Defendants"), through counsel and pursuant to Local Civil Rule 56.1 and Rule 56 of the Federal Rules of Civil Procedure, hereby move the Court for summary judgment in their favor as to all claims asserted against them by Plaintiffs.

In support of Vice Defendants' Amended Motion for Summary Judgment, Vice Defendants rely upon the pleadings, discovery in this matter, their Statement of Material Facts, deposition testimony taken in this matter and exhibits, Vice Defendants Amended Memorandum of Law in Support of the Amended Motion for Summary Judgment, and other supporting materials properly of record before this Court. To the extent that they support Vice Defendants' Amended Motion for Summary Judgment, Vice Defendants also rely upon the summary judgment motions, briefs, and supporting documents filed by co-defendants and any amended summary judgment motions, briefs and supporting documents filed by co-defendants in this matter.

Wherefore, Vice Defendants respectfully move this Court for an Order granting this Amended Motion for Summary Judgment and entering judgment in their favor, dismissing all claims asserted against Vice Defendants, and for such other and further relief as the Court may deem just and proper.

This the 1st day of May, 2023.

/s/ Alayna M. Poole

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PATTERSON and City Manager MARCHELL)
ADAMS-DAVID, in their official capacities,)

Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants: Abraham Rubert-Schewel (schewel@tinfulton.com), Emily D. Gladden (Egladden@tinfulton.com), Michael L. Littlejohn, Jr. (mll@littlejohn-law.com), Nichad Davis (ndavis@tinfulton.com), Ian A. Mance (ian@emancipatenc.com) and Elizabeth Simpson

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Norwood P. Blanchard, III (norwood@cmclawfirm.com), Counsel for Defendant William Rolfe,
and I hereby certify that I have mailed the document to the following non-CM/ECF participants:
None.

Respectfully submitted,

BY: /s/ Alayna M. Poole
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